

# BILL 82

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4TH SESSION, 31ST LEGISLATURE, ONTARIO  
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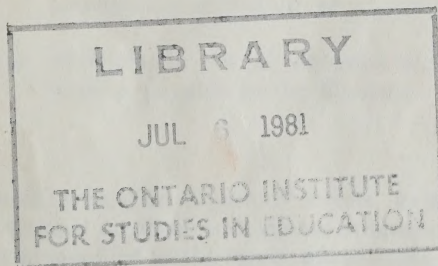
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## An Act to amend The Education Act, 1974


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THE HON. B. STEPHENSON  
Minister of Education  
and Minister of Colleges and Universities

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BILL 82

1980

## An Act to amend The Education Act, 1974

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Education Act, 1974*, being <sup>s. 1 (1),  
amended</sup> chapter 109, as amended by the Statutes of Ontario, 1976, chapter 50, section 1 and 1978, chapter 44, sections 1 and 25, is further amended by adding thereto the following paragraphs:

20a. “exceptional pupil” means a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he is considered to need placement in a special education program by a committee established under subparagraph iii of paragraph 5 of subsection 1 of section 10, of the board,

- (i) of which he is a resident pupil,
- (ii) that admits or enrolls the pupil other than pursuant to an agreement with another board for the provision of education, or
- (iii) to which the cost of education in respect of the pupil is payable by the Minister;

62a. “special education program” means, in respect of an exceptional pupil, an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil;

62b. “special education services” means facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program.



s. 1 (1),  
par. 66,  
re-enacted

- (2) Paragraph 66 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

66. "trainable retarded child" or "trainable retarded pupil" means an exceptional pupil whose intellectual functioning is below the level at which he could profit from a special education program for educable retarded pupils.

s. 8,  
amended

2. Section 8 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 72, section 1 and 1976, chapter 50, section 2, is further amended by adding thereto the following subsection:

Identification  
programs  
and special  
education  
programs  
and services

(1a) The Minister shall ensure that all exceptional children in Ontario have available to them, in accordance with this Act and the regulations, appropriate special education programs and special education services without payment of fees by parents or guardians resident in Ontario, and shall provide for the parents or guardians to appeal the appropriateness of the special education placement, and for these purposes the Minister shall,

- (a) require school boards to implement procedures for early and ongoing identification of the learning abilities and needs of pupils, and shall prescribe standards in accordance with which such procedures be implemented; and
- (b) in respect of special education programs and services, define exceptionalities of pupils, and prescribe classes, groups or categories of exceptional pupils, and require boards to employ such definitions or use such prescriptions as established under this clause.

s. 10 (1),  
par. 5,  
re-enacted

- 3.—(1) Paragraph 5 of subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:

special  
education  
programs

- 5. governing the provision, establishment, organization and administration of,
  - (i) special education programs,
  - (ii) special education services, and
  - (iii) committees to identify exceptional pupils and to make and review placements of exceptional pupils,

and, subject to paragraph 6a of section 146, prescribing generally or with application to a particular board, the date by which and the extent to which such programs and services shall be established.

- (2) Subsection 1 of the said section 10 is amended by adding thereto the following paragraph:

5a. governing procedures with respect to parents or guardians for appeals in respect of identification and placement of exceptional pupils in special education programs. identification and placement appeals

- (3) Subparagraph iii of paragraph 14 of subsection 1 of the said section 10 is repealed and the following substituted therefor: s. 10 (1), par. 14, subpar. iii, re-enacted

iii. are admitted to a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act.

- 4.—(1) Section 12 of the said Act is amended by adding thereto the following subsections: s. 12, amended

(3a) Subject to the approval of the Lieutenant Governor in Council, the Minister may, Demonstration schools

(a) establish, maintain and operate one or more demonstration schools; or

(b) enter into an agreement with a university to provide for the establishment, maintenance and operation by the university, under such terms and conditions as the Minister and the university may agree upon, of a demonstration school,

for exceptional pupils whose learning disabilities are such that a residential setting is required.

(3b) Commencing with the school year 1980-81, a demonstration school referred to in subsection 3a that is established by the Minister before this section comes into force is deemed not to be a school operated by the Ministry of Education for the purposes of *The Provincial Schools Negotiations Act, 1975*, and the provincial schools authority is not responsible for any matter relating to the employment of teachers at a demonstration school. Idem 1975, c. 81

- (2) Subsection 4 of the said section 12 is amended by striking out “such schools for the deaf or blind” in the third and fourth lines and inserting in lieu thereof “schools continued or established under this section”. s. 12 (4), amended

5. Subsection 3 of section 20 of the said Act is amended by striking out “if the child is eligible for admission to the Ontario School for the Blind, an Ontario School for the Deaf or a school or class for trainable retarded children” in the third, fourth and fifth lines. s. 20 (3), amended

6. Section 32 of the said Act is amended by adding thereto the following subsections: s. 32, amended



Application  
of subss.  
1 and 4

(5) Subsections 1 and 4 apply with necessary modifications to a trainable retarded child in respect of a school section on such date as may be designated by the Lieutenant Governor in Council or the 1st day of January, 1985, whichever occurs first.

Application  
of subss.  
2 and 4

(6) Subsections 2 and 4 apply with necessary modifications to a trainable retarded child in respect of a separate school zone on such date as may be designated by the Lieutenant Governor in Council or the 1st day of January, 1985, whichever occurs first.

s. 34,  
re-enacted

**7.** Section 34 of the said Act is repealed and the following substituted therefor:

Interpre-  
tation

34.—(1) In this section,

- (a) "board" includes The Metropolitan Toronto School Board;
- (b) "hard to serve pupil" means a pupil who, under this section, is determined to be unable to profit by instruction offered by a board due to a mental handicap or a mental and one or more additional handicaps;
- (c) "school" includes a school or class for trainable retarded pupils.

Inability  
to profit  
by  
instruction

(2) Where a principal considers that an exceptional pupil who attends his school is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction offered by the board, or where the parent or guardian of a pupil considers that the pupil is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction offered by the board, the principal shall refer the matter to the appropriate supervisory officer who shall refer the matter to the board, and the board shall appoint a committee of three persons consisting of a supervisory officer, a principal and a legally qualified medical practitioner who has expertise in respect of the mental or other handicap of the pupil, none of whom is a person to whom the matter has been previously referred.

Inquiry  
by  
committee

(3) The committee referred to in subsection 2 shall,

- (a) in accordance with subsection 4, inquire into the alleged inability of the pupil to profit by instruction offered by the board;
- (b) inquire into the handicap or handicaps of the pupil; and

- (c) determine whether the pupil can profit by instruction offered by the board or determine that the pupil is a hard to serve pupil,

and the committee shall make a written report of its findings and of its determination to the board and to the parent or guardian of the pupil.

(4) The committee shall, for the purposes of its inquiry, study <sup>Idem</sup> all existing reports in respect of the pupil, hear the teachers, the parent or guardian of the pupil, where reasonably possible the pupil, and any other person who may be able to contribute information bearing upon the matter and may, with the consent of the parent or guardian of the pupil, and of the pupil where he is an adult and capable of giving such consent, obtain and consider in respect of the pupil, the report of an assessment conducted by a person considered by the committee to be competent for the purpose.

(5) Any costs incurred in respect of an assessment or examination under this section, or in respect of the obtaining of other evidence required by the committee under subsection 3 or under subsection 6 shall be paid by the board referred to in subsection 2. <sup>Costs</sup>

(6) Where the parent or guardian of a person in respect of whom <sup>Review</sup> a determination has been made under clause c of subsection 3, or the person, where he is an adult,

- (a) believes that by reason of improvement in the condition of the person or other cause the person has become able to profit by instruction; and
- (b) furnishes to a supervisory officer of the board in whose jurisdiction the person resides, evidence or information to establish such belief,

the board shall appoint a committee constituted in accordance with subsection 2 that shall review the determination in respect of the person last made under this section and confirm or alter such determination and for such purpose the committee has the powers and duties of a committee under subsection 3, which subsection applies with necessary modifications to such a review.

(7) Where a committee under subsection 3 or subsection 6 <sup>Action to be taken by committee</sup> determines that a pupil is a hard to serve pupil, the committee shall so notify the board and the board shall consider the recommendation and determine that the pupil is a hard to serve pupil or that the pupil is considered to need placement in a special education program, as the case may be, and shall notify the parent or guardian of the pupil in writing of its determination.



Program for  
exceptional  
pupil

(8) Where the board determines that the pupil is considered to need placement in a special education program, the board shall refer the matter to the appropriate committee established under subparagraph iii of paragraph 5 of subsection 1 of section 10 that shall determine, designate or design an appropriate special education program for the exceptional pupil.

Placement  
of hard to  
serve  
pupil

(9) Where the board determines that the pupil is a hard to serve pupil and the parent or guardian of the pupil agrees with the said determination, the board shall assist the parent or guardian to locate a placement suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

Appeal to  
Tribunal

(10) Where,

- (a) the board determines that a pupil is a hard to serve pupil and the parent or guardian of the pupil disagrees with such determination and believes that the pupil is able to profit by instruction; or
- (b) the board locates a placement under subsection 9 and the parent or guardian disagrees with the placement,

the parent or guardian of the pupil may, within fifteen days of the receipt of the notice under subsection 7 or any time prior to the implementation of the placement under subsection 9, notify the board in writing of the disagreement and the board shall forthwith refer the matter to the secretary of a Special Education Tribunal established under subsection 1 of section 34a, by forwarding all the documentation outlining the special education programs and special education services that have been provided to the pupil and all existing reports and relevant material in respect of the pupil.

Costs

(11) The board shall reimburse the parent or guardian for any expenses he incurs in connection with the referral to and subsequent hearing by the Tribunal referred to in subsection 10, provided that such expenses are approved by the Tribunal.

Hearing by  
Tribunal

(12) The Special Education Tribunal shall consider the referral and, after a hearing and review of the report of the committee referred to in subsection 3 and the determination of the board, shall find that,

- (a) the pupil is a hard to serve pupil;
- (b) the pupil is considered to need placement in a special education program; or



- (c) the proposed placement under subsection 9 is or is not suited to the needs of the pupil,

and so notify in writing the parent or guardian of the pupil, the board and the Minister.

(13) Where the Tribunal finds that the pupil is considered to need placement in a special education program, the board shall provide a special education program and special education services for the pupil and the board shall, within sixty days of receipt of the notice under subsection 12, inform the Minister of the special education services that have been provided for the pupil.

Findings  
of  
Tribunal

(14) Where, under subsection 12, the Tribunal finds that the pupil is a hard to serve pupil or that the placement under subsection 9 is not suited to the needs of the pupil, the board shall assist the parent or guardian to locate a placement or a new placement, as the case may be, suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

Idem

(15) Where, pursuant to an application by the board or by the pupil or on his behalf for judicial review under *The Judicial Review Procedure Act, 1971*, the finding of the Special Education Tribunal is set aside, the determination of the board under subsection 7 shall be referred to a Special Education Tribunal for a new hearing conducted by members of the Tribunal other than those who first heard the matter if the board or the parent or guardian of the pupil, as the case may be, makes application therefor to the secretary of the Special Education Tribunal by registered mail within fifteen days after the date of the order of the court setting aside the finding of the Special Education Tribunal and the provisions of subsections 11, 12, 13 and 14 apply with necessary modifications in respect of a hearing by the Special Education Tribunal under this subsection.

New  
Tribunal  
provided  
1971, c. 48

(16) A placement of a hard to serve pupil under subsection 9 or 14 shall be made in Ontario, except where no placement suited to the needs of the pupil is available in Ontario, a placement may be made outside Ontario.

Placement  
in  
Ontario

(17) Where a hard to serve pupil is placed under subsection 9 or 14, Ontario shall pay the cost, if any, of such placement.

Cost of  
placement

34a. —(1) For the purposes of section 34, the Lieutenant Governor in Council shall establish one or more tribunals known as Special Education Tribunals, provincial or regional, and appoint a secretary of such tribunals.

Establish-  
ment of  
Special  
Education  
Tribunal

(2) The Lieutenant Governor in Council may by order,

Procedures  
of  
Special  
Education  
Tribunals

- (a) establish the procedures that shall apply; and
- (b) authorize Special Education Tribunals to fix and assess costs,

with respect to matters dealt with by Special Education Tribunals.

Leave  
to  
appeal

34b.—(1) Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may apply to the secretary of a Special Education Tribunal for a hearing for leave to appeal to a regional tribunal established by the Minister under subsection 2 in respect of the identification or placement.

Establishment  
of regional  
tribunal

(2) Where leave to appeal is granted under subsection 1, a regional tribunal shall be established by the Minister to hear the appeal of the parent or guardian.

Hearing  
by Special  
Education  
Tribunal

(3) Notwithstanding subsection 1, a Special Education Tribunal may with the consent of the parties before it in lieu of granting leave to appeal to a regional tribunal hear and dispose of the appeal of the parent or guardian.

Regulations

(4) The Lieutenant Governor in Council may make regulations governing the provision, establishment, organization and administration of a regional tribunal and regulating and controlling the practice and procedure before such tribunal including the costs of persons before such tribunal.

Decision  
final

(5) The decision of a Special Education Tribunal or of a regional tribunal under this section is final and binding upon the parties to any such decision.

Disposition

(6) The tribunal hearing the appeal may,

- (a) dismiss the appeal; or
- (b) grant the appeal and make such order as it considers necessary with respect to the identification or placement of the pupil.

s. 37 (3),  
amended

8. Subsection 3 of section 37 of the said Act is amended by adding at the end thereof "until such date as may be designated by the Lieutenant Governor in Council or the 31st day of December, 1984, whichever occurs first".

s. 45 (1),  
re-enacted

9. Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

Right  
of certain  
pupils to  
attend school  
in another  
jurisdiction

(1) Where, on the 31st day of December, 1984, or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, a trainable retarded pupil was enrolled in a trainable retarded school or class that he had a right to attend and,

- (a) the parent or guardian of the pupil is a supporter of a board other than the board that operates the trainable retarded school or class that the pupil attends; and
- (b) the board of which the pupil is qualified to be a resident pupil, provides instruction for trainable retarded pupils or has entered into an agreement for the provision of such instruction with a board other than the board that on the 31st day of December, 1984, or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, operated the trainable retarded school or class in which the pupil was enrolled,

the trainable retarded pupil has, in addition to any other right that he may have under this Act, the right to attend the trainable retarded school or class in which he was enrolled on the 31st day of December, 1984, or such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, until the last school day in June in the year in which he attains the age of twenty-one years, and where such pupil elects to continue to attend the trainable retarded school or class in which he was enrolled, the board of which he is qualified to be a resident pupil shall pay to the divisional board that operates such school or class a fee calculated in accordance with the regulations.

- 10.** Section 69 of the said Act is repealed and the following substituted therefor: s. 69,  
re-enacted

69.—(1) In sections 69 to 78,

Interpre-  
tation

- (a) “board” means a public school board, a Roman Catholic separate school board, a Protestant separate school board, a board of education other than a board of education for an area municipality in The Municipality of Metropolitan Toronto and includes The Metropolitan Toronto School Board;
- (b) “committee” means an advisory committee on schools for trainable retarded pupils;
- (c) “local association” means a parents’ group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board;

(2) All members of The Metropolitan Toronto School Board are trustees for the purpose of its schools for trainable retarded pupils. Metropolitan  
Toronto  
School  
Board

- 11.** Section 70 of the said Act is repealed and the following substituted therefor: s. 70,  
re-enacted



Provision  
of  
adequate  
accommodation

70.—(1) Subject to subsections 2 and 4 and to the regulations, every board shall provide adequate accommodation for the trainable retarded pupils,

(a) who are exceptional pupils of the board; and

(b) in respect of whom a placement in a school or class for trainable retarded pupils has been made by a committee established under paragraph 5 of subsection 1 of section 10,

and shall establish and maintain a school or class for such trainable retarded pupils in which special education programs and services shall be provided in accordance with the regulations and in the English language or, where the pupil is enrolled in a school or class established under Part XI, the French language, as the case may be.

Agreement  
with other  
board

(2) A board may, in lieu of establishing and maintaining a school or class for the trainable retarded pupils for whom it is required to provide accommodation under subsection 1, enter into an agreement with another board to provide for the instruction of such trainable retarded pupils in a school or class for trainable retarded pupils under the jurisdiction of the other board and for the payment of fees in respect of such trainable retarded pupils.

Placement  
and review

(3) Where an agreement has been entered into under subsection 2, a committee established under paragraph 5 of subsection 1 of section 10 by the board that provides the instruction shall be responsible for the placement and the review of the placement of trainable retarded pupils who are qualified to be resident pupils of the other board that is party to such agreement.

Application  
of subss.  
1 and 2

(4) Subsections 1 and 2 apply on the 1st day of January, 1985 or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, to a public school board, a Roman Catholic separate school board and a Protestant separate school board.

s. 71,  
re-enacted

**12.** Section 71 of the said Act is repealed and the following substituted therefor:

Attendance  
beyond  
age 21

71.—(1) A trainable retarded pupil has the right to attend a school or class for trainable retarded pupils established by the board of which he is a resident pupil or provided under an agreement made under subsection 2 of section 70 or to which he is admitted under subsection 2 until the last school day in June in the year in which he attains the age of twenty-one years.

Admission  
of other  
trainable  
retarded  
pupils

(2) A board may admit to a school for trainable retarded pupils that it operates a trainable retarded pupil who does not have the

right to attend such school under subsection 1 where the committee of the board established under paragraph 5 of subsection 1 of section 10 recommends the placement of such trainable retarded pupil in the trainable retarded school or class operated by the board, and fees in accordance with the regulations are paid to the board on behalf of such trainable retarded pupil.

- 13.** Subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1),  
re-enacted

(1) A divisional board and The Metropolitan Toronto School Board shall, subject to subsection 1a, establish an advisory committee on schools for trainable retarded pupils. Advisory  
committee

(1a) Where a divisional board establishes a committee under subsection 2 of section 178a, it may, Idem

- (a) discontinue the committee established under subsection 1; or
- (b) continue the committee established under subsection 1 and appoint one of the members appointed under clause b of subsection 2 to the committee established under subsection 2 of section 178a.

(1b) A board other than a board referred to in subsection 1 may establish an advisory committee on schools for trainable retarded pupils under this section, in which case subsections 2, 3, 4, 5 and 6 and sections 73 and 74 apply with necessary modifications to such advisory committee. Idem

- 14.** Sections 75 and 76 of the said Act are repealed. ss. 75, 76,  
repealed

- 15.** Section 77 of the said Act is repealed and the following substituted therefor: s. 77,  
re-enacted

77. Where a divisional board provides instruction in a school or class for trainable retarded pupils for a trainable retarded pupil who is not a resident pupil of the board, the divisional board of which the trainable retarded pupil is qualified to be a resident pupil shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with the regulations. Fees for  
non-resident  
pupils of  
divisional  
boards

- 16.**—(1) Subsection 2 of section 78 of the said Act is amended by striking out “but not in a school division” in the second line. s. 78 (2),  
amended

(2) Subsection 3 of the said section 78 is amended by striking out “divisional” in the sixth line and in the seventh line. s. 78 (3),  
amended

- 17.** Section 146 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 50, section 21, is further amended by adding thereto the following paragraph: s. 146,  
amended

special  
education  
programs  
and  
services

- 6a. before the 1st day of September, 1985, provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils in the English language or, where the pupil is enrolled in a school or class established under Part XI, the French language, as the case may be.

s. 147 (1),  
par. 38,  
re-enacted

- 18.** Paragraph 38 of subsection 1 of section 147 of the said Act is repealed and the following substituted therefor:

programs  
in  
detention  
homes

38. with the approval of the Minister, employ and pay teachers to conduct an education program in a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act and in which the Ministry does not provide an education program and provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

s. 163 (2),  
re-enacted

- 19.** Subsection 2 of section 163 of the said Act is repealed and the following substituted therefor:

Idem

(2) A board may provide for a person who is qualified to be a resident pupil of the board, transportation to and from the Ontario School for the Blind, an Ontario School for the Deaf, a demonstration school established by or operated under an agreement with the Minister for pupils with severe learning disabilities, a centre classified as a Group K hospital under *The Public Hospitals Act*, a facility designated under *The Developmental Services Act, 1974*, a psychiatric facility designated as such under *The Mental Health Act* and a children's mental health centre approved under *The Children's Mental Health Services Act, 1978*.

R.S.O. 1970,  
c. 378

R.S.O. 1970,  
c. 269  
1978, c. 67

- 20.** The said Act is further amended by adding thereto the following section:

s. 178a,  
enacted

#### SPECIAL EDUCATION ADVISORY COMMITTEE

Interpre-  
tation

178a.—(1) In this section,

- (a) "board" means a divisional board of education, a county and district combined Roman Catholic separate school board, a board of education in The Municipality of Metropolitan Toronto, The Metropolitan Separate School Board and The Windsor Roman Catholic Separate School Board;
- (b) "committee" means a special education advisory committee;



- (c) “local association” means an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults.

(2) Every board shall, subject to subsection 6, establish a special educational advisory committee that shall consist of, Advisory committee

- (a) one representative from each of the local associations, not to exceed twelve, in the area of jurisdiction of the board, as nominated by the local association and appointed by the board;
- (b) where the board provides a French-language instructional unit as defined in clause *c* of section 254, one or more members who are French-speaking appointed by the board as representative of the French-speaking ratepayers or supporters of the board;
- (c) where the board provides English-language schools or classes under sections 252 and 266, one or more members who are English-speaking appointed by the board as representative of the English-speaking ratepayers or supporters of the board; and
- (d) three members appointed by the board from among its members,

and, in addition to the members referred to in clauses *a*, *b*, *c* and *d*, the board may appoint one or more additional members who are not representative of either a local association or the French-speaking community and are not members of the board or of a committee of the board.

(3) Each of the persons appointed under subsection 2 who are not members of the board shall have the qualifications required for members of the board that appointed them and shall hold office during the term of the members of the board and until the new board is organized. Idem

(4) Section 202 applies with necessary modifications to a member of a committee established under subsection 2. Application of s. 202

(5) One of the members of a committee appointed by a board of education under clause *d* of subsection 2 shall be a member of the board of education elected by separate school electors. Members of committee

Local  
associations

(6) A board that establishes a committee under subsection 2 shall select as one of the local associations for the purposes of clause *a* of subsection 2 a local association as defined in clause *c* of subsection 1 of section 69.

Requirements  
for advisory  
committee

(7) An advisory committee on schools for trainable retarded pupils, established under subsection 1 of section 72, shall satisfy the requirements for a committee under this section where,

- (a) a representative from each of the local associations, not to exceed twelve, and none of which is a local association as defined in clause *c* of subsection 1 of section 69, is added to the advisory committee on schools for trainable retarded pupils;
- (b) the board appoints to the said advisory committee a person as referred to in clause *b* or *c* of subsection 2 where the board provides a French-language instructional unit as therein referred to; and
- (c) in the case of an advisory committee established by a divisional board of education, one of the members appointed under clause *b* of subsection 2 of section 72 is a member of such board elected by separate school electors,

and such advisory committee may make recommendations as provided in subsection 8.

Recommendations

(8) A committee established under subsection 2 may make recommendations to the board in respect of any matter affecting the establishment and development of special education programs and services in respect of exceptional pupils of the board.

Application  
of ss. 72 (5, 6),  
73 and 74

(9) Subsections 5 and 6 of section 72, section 73 and section 74 apply with necessary modifications to a committee established under subsection 2.

Members  
of  
committee

(10) A district school area board, a Protestant separate school board, a combined separate school board and a rural separate school board shall appoint a committee consisting of two members appointed by the school board from among its members and two members appointed by the local associations in the area of jurisdiction of the school board, or where no such local association or associations have been established, two members appointed by the school board who are not members of such board.

Selection  
by board

(11) For the purposes of subsections 2 and 7, where there are more than twelve local associations in the area of jurisdiction of

the board, the board shall select the twelve local associations that shall be represented.

- 21.** Subsection 3 of section 205 of the said Act is amended by inserting after "1" in the third line "for" and by adding thereto the following clauses: s. 205 (3),  
amended

- (a) where there is no designation by the Lieutenant Governor in Council under clause *b*, the years 1981, 1982, 1983 and 1984 and commencing with the year 1985 and for each subsequent year thereafter such cost of operation shall be included in the estimates for public school purposes under subsection 1; or
- (b) where there is a designation by the Lieutenant Governor in Council, the year 1981 and such year or years as may be designated by the Lieutenant Governor in Council and commencing with the year designated by the Lieutenant Governor in Council and for each subsequent year thereafter such cost of operation shall be included in the estimates for public school purposes under subsection 1.

- 22.** The said Act is further amended by adding thereto the following section: s. 271a,  
enacted

## PART XI-A

### TRANSITIONAL PROVISIONS

271a.—(1) Where the Lieutenant Governor in Council designates a date for the purposes of subsections 5 and 6 of section 32, subsection 3 of section 37, subsection 1 of section 45 and subsection 3 of section 205 or any of them, such designation may have general application or may relate to such board or boards as may be set out in the designation. Date and  
scope of  
designation

(2) Where the Lieutenant Governor in Council designates a date for the purposes of subsection 5 of section 32 and subsection 3 of section 205 in respect of a divisional board, subsection 5 of section 53 ceases to apply to such divisional board. Application  
of s. 53 (5)

(3) Effective the date designated by the Lieutenant Governor in Council for the purposes of subsection 3 of section 37, or the 31st day of December, 1984, whichever occurs first, in relation to The Metropolitan Separate School Board and The Metropolitan Toronto School Board, subsection 4 of section 37 ceases to operate and the cost of operation of schools for trainable retarded children operated by The Metropolitan Toronto School Board shall be included in the estimates of such board for public elementary school purposes. Application  
and  
operation  
of s. 37 (4)



Commence-  
ment

**23.** This Act comes into force on the day it receives Royal Assent.

Short title

**24.** The short title of this Act is *The Education Amendment Act, 1980*.



## BILL 82

An Act to amend  
The Education Act, 1974

*1st Reading*

May 23rd, 1980

*2nd Reading*

June 17th, 1980

*3rd Reading*

December 2nd, 1980

THE HON. B. STEPHENSON  
Minister of Education and  
Minister of Colleges and Universities